

CPYRGHT

One Freed in B26 Smuggling

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BUFFALO, N.Y. — Charges

were unexpectedly dismissed here today against one of four men accused of smuggling seven B26s out of the United States for use by the Portuguese in Africa.

The other three went on trial in a strange case expected to involve the Central Intelligence Agency.

Keat Griggers, 42, a pilot-mechanic from Jamestown, Calif., was waiting in the corridor of the U.S. courthouse here for the beginning of his trial when he was suddenly informed that the indictment against him had been dismissed.

Moments later, he was handed a subpoena requiring him to

appear as a prosecution witness in the case by U.S. Attorney John T. Curtin.

Griggers' attorney, Joseph M. Ralabate of Buffalo, said he had joined in a motion with Curtin to dismiss the two indictments against his client, but said "we were making no deal."

During a hearing on the motion before U.S. District Judge John O. Henderson, Ralabate said, he raised the question of whether Griggers would be granted immunity if he were called to testify and was assured that if the question arose a separate hearing would be held on that issue.

The principal defense of the three men going on trial here today is expected to be that the

operation in which they were involved was being conducted by the CIA and that they were acting in the interest of the United States government.

Those still under indictment are John Richard Hawke, 29, of Fort Lauderdale, Fla., Count Henri de Montmarin, 58, of Paris, and Woodrow Wilson Roderick of Winnipeg, Canada, who has been living in the United States since his indictment last October.

The government charges that Montmarin, an airplane dealer, received an order for the aircraft from the Portuguese through a Swiss company and helped arrange the shipment with Gregory Board, 45, of Jamaica, who has also been indicted but has never been taken into custody.